

REMARKS

The present application includes pending claims 1-7, 9-18, 20-34 and 38-61, all of which were rejected. Claims 1, 14, 25, 31 and 40 have been amended.

Claims 1-7, 9-18, 20-24, 31-34, 36-51 and 56-61 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,799,201 (“Lee”) in view of U.S. 2004/0073932 (“Lavelle”). Claims 25-30 and 52-55 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Lavelle and U.S. 2003/0097655 (“Novak”). The Applicants respectfully traverse these rejections for at least reasons previously discussed during prosecution and the following:

Claim 1 recites, in part, **“set top box circuitry** communicatively coupled to the storage, ... the set top box circuitry **being remotely located from the authorized vehicle**; at least one vehicle system within the authorized vehicle **remotely located from and communicatively coupled to the set top box circuitry** via the second communication interface, ...a user interface to support the delivery of media, the user interface having at least one view comprising a representation of a sequence of media available for delivery to the at least one vehicle system, the at least one view comprising a **first personal media channel** that facilitates a **user-defined transfer from the set top box circuitry, via the at least one vehicle system, of a video game to one or both of the entertainment system and/or a handheld electronic game system.**”

Thus, the claim is clear that the system includes set top box circuitry that is remotely located from the vehicle (that is, not within the vehicle), and a video game is transferred from the set top box circuitry to the entertainment system within the vehicle system or a handheld game through the set top box circuitry. Independent claims 14, 25 and 31 recite similar limitations.

The Office Action asserts that Lee discloses all the limitations of claim 1, except for “transfer of a video game to one or both of the entertainment system and/or a handheld electronic

game system via the at least one vehicle system.” *See* February 17, 2009 Office Action at page 5. Thus, the Office Action seems to acknowledge that Lee cannot describe, teach or suggest “a **first personal media channel** that facilitates a **user-defined transfer from the set top box circuitry, via the at least one vehicle system, of a video game to one or both of the entertainment system and/or a handheld electronic game system.**”

The Applicants respectfully submit, however, that Lee also does not describe, teach or suggest “set top box circuitry,” as recited in claim 1. Instead, Lee discloses a system that “**consists** of (1) a remotely programmable, microcomputer controlled multimedia device 20 in a vehicle with a wireless IP address for Internet access, (2) an Internet gateway network 30 that provides programming, information and Internet access to the multimedia device 20, and (3) one or more remote programming devices 40.” *See* Lee at column 6, lines 8-14 (emphasis added). “Consists of” is a close-ended phrase.

The Applicants note that reference numeral 30, which the Office Action relies on as “set top box circuitry” (*see* February 17, 2009 Office Action at page 3) is an “Internet gateway network” (*see* Lee at column 6, line 11), but **not set top box circuitry**. Instead, the “gateway 30 serves as an Internet Service Provider to vehicles 184 through various forms of wireless transmission 186.” *See id.* at column 11, lines 11-13. Indeed, Lee does not describe, teach or suggest a “set top box circuitry” remote from a vehicle and a vehicle system, in particular, or “set top box circuitry,” in general. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 1, 14, 25, 31 or the claims that depend therefrom.

Additionally, as noted above, Lee does not describe, teach or suggest “a **first personal media channel** that facilitates a **user-defined transfer from the set top box circuitry, via the**

at least one vehicle system, of a video game to one or both of the entertainment system and/or a handheld electronic game system.” The Office Action relies on Lavelle for these limitations. *See* February 17, 2009 Office Action at page 6.

Lavelle discloses a “multimedia entertainment unit for use in a vehicle.” *See* Lavelle at [0001]. The unit may include a “video game player 126.” *See id.* at [0035]. The video game player may be part of, or input into, the entertainment unit. *See id.* at [0046]-[0047]. However, similar to the Lee, Lavelle does not describe, teach or suggest that video games are downloaded to the entertainment through an external source. Instead, Lavelle simply discloses that a video game player may be directly input to the entertainment unit, and games included on the player may then be played through the entertainment unit (*e.g.*, merely plugging a handheld game into the entertainment unit).

Neither Lee nor Lavelle, alone or in combination with one another, describes, teaches or suggests “a **first personal media channel** that facilitates a **user-defined transfer from the set top box circuitry [which is remote from the vehicle], via the at least one vehicle system, of a video game to one or both of the entertainment system and/or a handheld electronic game system.” Thus, the proposed combination of Lee and Lavelle does not render claim 1, 14, 25, 31 or the claims that depend therefrom unpatentable.**

Claim 40 recites, in part, “wherein the at least one vehicle system comprises a navigation system, the at least one view comprising a second personal media channel that facilitates a user-defined navigation update to the navigation system.” Claims 46, 52 and 58 recite similar limitations. The Office Action relies on Lee as disclosing these limitations. *See* February 17, 2009 Office Action at page 12.

Lee discloses a “GPS receiver 110 that continuously reports the vehicles longitude, latitude and altitude.” *See* Lee at column 8, lines 60-61. “The vehicle 184 provides location information from its GPS receiver 110 (FIG. 2) to the gateway 30, and the gateway 30 in turn provides mapping services to the vehicle showing travel routes or locations of interest.” *See id.* at column 12, lines 14-20. While Lee discloses location information from the GPS receiver and the gateway 30 providing mapping services, Lee does not describe, teach or suggest “a second **personal media channel** that facilitates a **user-defined navigation update** to the navigation system.” Lee simply does not describe, teach or suggest a user defining a navigation update, in general, or one through another personal media channel, in particular. Lee does describe a user “manually request[ing] from the multimedia device 20 a recalibration of **local audio stations**” (*see id.* at column 15, lines 21-26), but requesting recalibration of local audio stations is by no means a request by the user for a navigation update. Instead, the recalibration is merely directed to local radio stations for listening pleasure. Thus, for at least this reason, the Applicants respectfully request reconsideration of the rejection of claims 40, 46, 52 and 58.

Claim 41 recites, in part, “wherein the navigation system collects vehicle route, performance and engine maintenance information with respect to the authorized vehicle and uploads the vehicle route, performance and engine maintenance information to one or both of the set top box circuitry and/or the at least one server.” Note, the claim recites that the navigation system collects vehicle route, performance **and** engine maintenance information with respect to the authorized vehicle and updates accordingly. The claim does **not** recite that only one of vehicle route, performance and engine maintenance information is collected. Yet, the Office Action only addresses “vehicle route.” *See* February 17, 2009 Office Action at page 13. Thus, for at least this reason, the Office Action has not established a *prima facie* case of obviousness

with respect to claims 41, 47, 53 and 59. The Applicants note that neither Lee nor Lavelle, alone or in combination with one another, describes, teaches or suggests “wherein the navigation system collects vehicle route, performance and engine maintenance information with respect to the authorized vehicle and uploads the vehicle route, performance and engine maintenance information to one or both of the set top box circuitry and/or the at least one server.”

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (*e.g.*, if such statement should become relevant by appearing in future rejection).

The Applicants respectfully submit that the claims should be allowable for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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